APPENDIX.

SCHEDULE.

May 16th:

6:00 A. M.

2nd Mate (2 hrs.) { *8:00 A. M.* } (6 hrs.) Master
10:00 A. M.
12:00 Noon

2:00 P. M. } (6 hrs.) Pilot
4:00 P. M.
3rd Mate (2 hrs.) { 6:00 P. M.

2nd Mate (6 hrs.) { 8:00 P. M. } (6 hrs.) Master
10:00 P. M.
12:00 Midnight

May 17th:

12:00 Midnight

3rd Mate (6 hrs.) { 2:00 A. M. } (6 hrs.) Pilot
4:00 A. M.
6:00 A. M.

2nd Mate (2 hrs.) { *8:00 A. M.* } (2 hrs.) Master

1st Mate (4 hrs.) { *10:00 A. M.*
12:00 Noon

2:00 P. M. } (6 hrs.) Pilot
4:00 P. M.
3rd Mate (2 hrs.) { 6:00 P. M.

2nd Mate (6 hrs.) { 8:00 P. M. } (4 hrs.) 1st Mate
10:00 P. M.
12:00 Midnight } (2 hrs.) Master

May 18th:

12:00 Midnight

3rd Mate	(6 hrs.)	2:00 A. M. 4:00 A. M. 6:00 A. M.	(6 hrs.) Pilot
2nd Mate	(2 hrs.)	*8:00 A. M.*	(2 hrs.) Master
1st Mate	(4 hrs.)	*10:00 A. M.* *12:00 Noon*	
3rd Mate	(2 hrs.)	*2:00 P. M.* *4:00 P. M.* 6:00 P. M.	(6 hrs.) Pilot
2nd Mate	(6 hrs.)	8:00 P. M. 10:00 P. M. 12:00 Midnight	(6 hrs.) Master

May 19th:

12:00 Midnight

3rd Mate	2:44 A. M. Stranding	Pilot

HARTER ACT—Title 46 U. S. C. §192:

"If the owner of any vessel transporting merchandise or property to or from any port in the United States of America shall exercise due diligence to make the said vessel in all respects seaworthy and properly manned, equipped, and supplied, neither the vessel, her owner or owners, * * * shall become or be held responsible for dam-

age or loss resulting from faults or errors in navigation or in the management of said vessel nor * * * be held liable for losses arising from dangers of the sea or other navigable waters, * * *."

LIMITATION STATUTE—Title 46 U. S. C. §183:

"The liability of the owner of any vessel, for any embezzlement, loss, or destruction, by any person, of any property, goods, or merchandise, shipped or put on board of such vessel, or for any loss, damage, or injury by collision, or for any act, matter, or thing, loss, damage, or forfeiture, done, occasioned, or incurred without the privity, or knowledge of such owner or owners, shall in no case exceed the amount or value of the interest of such owner in such vessel, and her freight then pending."

SEC. 2, ACT OF MAY 11, 1918—Title 46 U. S. C. §223:

"The board of local inspectors shall make an entry in the certificate of inspection of every ocean and coastwise seagoing merchant vessel of the United States propelled by machinery, and every ocean-going vessel carrying passengers, the minimum number of licensed deck officers required for her safe navigation according to the following scale:

"No such vessel shall be navigated unless she shall have on board and in her service one duly licensed master.

"Every such vessel of one thousand gross tons and over, propelled by machinery, shall have in her service and on board three licensed mates, who shall stand in three watches while such vessel is being navigated, unless such vessel is en-

gaged in a run of less than four hundred miles from the port of departure to the port of final destination, then such vessel shall have two licensed mates * * *." (May 11, 1918, c. 72, §2, 40 Stat. 549)

Note: Originally Sec. 2 of Act of March 3, 1913, 37 Stat. 733.

SEC. 3, ACT OF MAY 11, 1918—Title 46 U. S. C. §235:

"It shall be unlawful for the master, owner, agent, or other person having authority to permit an officer of any vessel to take charge of the deck watch of the vessel upon leaving or immediately after leaving port, unless such officer shall have had at least six hours off duty within the twelve hours immediately preceding the time of sailing, and no licensed officer on any ocean or coastwise vessel shall be required to do duty to exceed nine hours of any twenty-four while in port, including the date of arrival, or more than twelve hours of any twenty-four at sea, except in a case of emergency when life or property is endangered. Any violation of this section shall subject the person or persons guilty thereof to a penalty of $100." (May 11, 1918, c. 72, §3, 40 Stat. 549)

Note: Originally Sec. 3 of Act of March 3, 1913, 37 Stat. 733.

EIGHT HOUR LAW—Title 46 U. S. C. §673:

"In all merchant vessels of the United States of more than one hundred tons gross, excepting those navigating rivers, harbors, lakes (other than Great Lakes), bays, sounds, bayous, and canals, exclusively, the licensed officers and sailors, coal passers, firemen, oilers, and water tenders shall, while at sea, be divided into at least three watches, which shall be kept on duty successively for the performance of ordinary work incident to the sailing and management of the vessel. * * * nor

shall any licensed officer or seaman in the deck or engine department be required to work more than eight hours in one day * * *. While such vessel is in a safe harbor no seaman shall be required to do any unnecessary work on Sundays or the following-named days: New Year's Day, the Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day, but this shall not prevent the dispatch of a vessel on regular schedule or when ready to proceed on her voyage. And at all times while such vessel is in a safe harbor, eight hours, inclusive of the anchor watch, shall constitute a day's work. Whenever the master of any vessel shall fail to comply with this section and the regulation issued thereunder, the owner shall be liable to a penalty not to exceed $500, and the seamen shall be entitled to discharge from such vessel and to receive the wages earned. * * * ". (June 25, 1936, c. 816, §2, 49 Stat. 1934; June 23, 1938, c. 597, 52 Stat. 944.)

Note: The portion omitted was in part added by the Act of June 23, 1938.

DEPARTMENT OF COMMERCE
Bureau of
Marine Inspection and Navigation
Washington

July 14, 1939

In Reply Refer To
102.3-6

"Bogle, Bogle & Gates
6th Floor Central Building
Seattle, Washington

Gentlemen:

Reference is made to your letter of July 8, 1939, wherein you discuss the provisions of Sections 2 and 3 of the Act of May 11, 1918, with particular reference to the manner in which the watches of licensed officers, employed on vessels of the United States, should be divided, and the hours of labor of licensed officers on vessels of the United States.

In reply to your communication, your attention is called to the provisions of Section 2 of the Act of March 4, 1915, as amended by the Acts of June 25, 1936, and June 23, 1938, which are set forth at length in the attached Bureau Circular Letter No. 221, under date of August 17, 1938.

It will be observed, upon a review of this statute, that licensed officers employed on the merchant vessels of the United States of more than 100 tons gross, with certain exceptions, shall, while at sea, be divided into at least three watches, which shall be kept on duty successively for the performance of ordinary work incident to the sailing and management of the vessel.

It will be further observed that the hours of labor of licensed officers are limited to eight hours in one day.

The Bureau is of the opinion that inasmuch as the provisions of the Act of May 11, 1918, are partially in conflict with the provisions of the Act of March 4, 1915, as amended, it would appear that so much of the Act of May 11, 1918, which is in conflict with the subsequent Act, has been superseded by such subsequent Act. Hence, the present law governing the watches and hours of labor of licensed officers would appear to be that their watches must be equally divided and successive; further, that licensed officers cannot be required to work more than eight hours in one day, counting the day as starting at midnight and ending at midnight.

It should be pointed out that while the watches of licensed officers must be equally divided and successive, there is no statutory requirement which establishes that these watches must be four hours on and eight hours off. Under the present statute, the watches may be set in any manner which the employer deems expedient, so long as they are equally divided and successive, and the licensed officers are not required to work more than eight hours in one day.

Sincerely yours,

(Sgd) ALLAN D. JONES

Assistant Director."

(Seal)
Office of the Collector
Address all communications
for this office to the Collector

TREASURY DEPARTMENT
United States Customs Service
Port of Port Townsend, Wash.

June 7, 1913.

The Secretary of Commerce,
Washington, D. C.

Sir:

I have the honor to transmit herewith the application of R. R. Pierson, Superintendent of the Alaska Steamship Co., and statement of Fred Warner, for relief from a penalty of $500. for an alleged violation of Section 4463, R. S., Section 2, Act of March 3, 1913, in that the American Steamship Alameda, owned by said company and operated in charge of Fred Warner, leaving Seattle for Alaska on April 19, 1913, was operated with two mates on board who stood watches of more than eight consecutive hours, as per complaint of P. Mullen, Secretary of Puget Sound Harbor No. 16, American Association of Masters, Mates and Pilots. (Fines Case No. 1222)

The applicant makes affidavit that on the voyage in question three mates (Deery, Brelund and Heldt) stood three watches of four hours on and eight hours off; that two special pilots (Jordan and Hansson) who possess special knowledge as to the inside passages of the coast of British Columbia and Alaska not possessed by the general run of mates, stood special watch six hours on and six hours off, or a maximum of twelve hours per day; further that taking the trip as a whole, the average number of hours which each pilot actually stood watch would only average a little over nine hours a day, as the pilots do not handle cargo, and as soon as the engines are rung off after making a landing the pilot may go below; etc.

The fine in this case has not been paid, and all papers in the case are forwarded for such action as the Department may deem advisable.

Respectfully,

F. C. HARPER,
Collector.

c
enc

Puget Sound Harbor
No. 16
(Incorporated)
J. E. BRINKER, PRESIDENT

AMERICAN ASSOCIATION OF MASTERS, MATES AND PILOTS

Seattle, Washington, May 8, 1913.

U. S. Collector of Customs,
Seattle, Washington.

Dear Sir:

Upon information and belief I herewith charge the master, owners or others interested in the Steamship Alameda with navigating said vessel unlawfully in the following particular:

That on the voyage made by said vessel leaving the port of Seattle, April 19, 1913 and returning May 2, 1913, the master Fred. Warner permitted two mates J. F. Jordon and R. Hansson, to stand in two watches while such vessel was being navigated, contrary to the Revised Statutes of the United States, Section 4463, as amended by act approved March 3, 1913, section 2 thereof.

I would request that the penalty required by law be imposed at once.

P. MULLEN
Secretary Puget Sound Harbor No. 16, American Association of Masters Mates and Pilots

Subscribed and sworn to before me this
8th day of May, 1913.

GEORGE A. CUSTER
Notary Public in and for the State of Washington, residing at Seattle

---

State of Washington,
County of King—ss.:

R. R. Pierson, being first duly sworn on oath, deposes and says:

That he is Superintendent of the Alaska Steamship Co. operating the steamer Alameda.

That on the departure of said steamer Alameda from Seattle, April 19th, said steamer carried in accordance with the requirements of her inspection certificate the following men as Mates at the salaries shown opposite their names:

J. C. Deery, First Officer	$100.00 per month,
O. Brelund, Second Officer	85.00 per month,
R. Heldt, Third Officer	70.00 per month.

That in addition to the above Mates two special pilots were carried as follows:—

J. F. Jordan	$150.00 per month,
R. Hansson	150.00 per month.

The two men last above named possess special knowledge as to the inside passages of the Coast of British Columbia and Alaska not possessed by the general run of Mates, and for this special knowledge they were paid extra compensation.

On said voyage of the Alameda the three Mates (Deery, Brelund, and Heldt) stood three watches of four hours on and eight hours off. The two special pilots stood special watch six hours on and six hours off or a maximum of 12 hours per day following a custom long in vogue in the Alaska service.

In view of the provision in Paragraph 3 of Section 4463 providing a maximum of 12 hours work out of any 24 hours at sea, we have felt that we were within the law in following the course described above in the case of special pilots.

This deponent is informed and verily believes that taking the trip as a whole, the average number of hours which each pilot actually stood watch would only average a little over 9 hours a day as the pilots do not handle cargo, and as soon as the engines are rung off after making a landing, the pilot may go below. In this way it often happens that nearly all, or all, of a single watch of 6 hours will be spent at the dock during which a pilot of course is not on duty, although his hours of watch are running just the same. In other words, if he comes on watch at 6 A. M. and the vessel arrives at Ketchikan at 8 A. M. sailing at 1 P. M. the first pilot would only work two hours on that watch, and the second pilot would come on duty at noon, but would not commence work until 1 o'clock, then if the ship called at Kassan cannery at 2 o'clock and discharged cargo until 6 P. M. the second pilot would have only worked one hour on his watch. Thus it happens that in any round trip the pilots do not average but little more than 9 hours work in each 24 hours, and as Paragraph 3 specifically permits 12 hours work at sea, it would not seem that a hardship had been worked on the pilots during this trip of the Alameda.

Attached to this affidavit and marked "Exhibit A" is a letter signed by Capt. Fred Warner, Master of the steamer Alameda, which is made a part hereof.

Further deponent saith not.

R. R. Pierson.

Subscribed and sworn to before me
this 27th day of May, 1913:

J. C. Harris
Notary Public in and for the State of
Washington residing at Seattle.

ALASKA STEAMSHIP COMPANY

Mr. R. R. Pierson,
Superintendent, Pier 2.

Seattle, Wash. May 24, 1913.

Dear Sir:—

Replying to your letter of May 16th. regarding charges preferred by the Customs authorities as to violation of Paragraph 2, Section 4463, which prescribed a penalty of $100.00 against the owner of the vessel for failure to carry three licensed mates who shall stand three watches while vessel is being navigated.

I beg to state that my three officers worked four hours on and eight hours off during the trip leaving Seattle April 19th. I also carried two extra mates to act as pilots for the inside waters of Alaska, who stood watch and watch 6 hours on and 6 hours off. These pilots were accompanied on the bridge by one of the three mates who stood four hours on and eight hours off. As the ship's certificate only calls for three mates, I thought I could work the pilots to the best advantage of myself and the ship subject to the 12 hour per day maximum provided in Section 3 of the "Hardy Act." As a matter of fact the average number of hours worked each day by the pilots, taking the entire trip including stops in ports during which the pilots were not on duty, was but little over nine hours.

Yours truly,

FRED WARNER
Master SS Alameda.

CC
REC
67817-N

June 14, 1913.

Respectfully referred to the Supervising Inspector General, Steamboat Inspection Service, for expression of opinion and return of papers to this Bureau.

A. I. TYRER
Acting Commissioner.

Port: Port Townsend, Wash.
Steamship "Alameda."

Aye.

In Reply Refer to
File No. 58748

DEPARTMENT OF COMMERCE
Steamboat—Inspection Service
Washington

June 17, 1913.

Respectfully returned to the Commissioner of Navigation, Department of Commerce, with the opinion that there has been no violation of the law in this case.

From the statement of the Superintendent of the Alaska Steamship Company, owners of this vessel, and, also, of Captain Warner, the master, it would seem that this steamer carries five mates, three of whom stand a regular bridge watch of four hours on and eight hours off, and the other two mates act as pilots in addition to the mates who are standing regular watches, and are with them on the bridge; the pilots, or rather the two additional mates acting as pilots, standing regular watches of six hours on and off.

It does seem to me that this complaint is farfetched, and should not for a moment be considered, as there is no doubt that the ship is more than fully meeting the requirements of the law.

I recommend the total remission of the penalty, as I am firmly of the opinion that none has been incurred.

GEO. UHLER

S. S. "Alameda",
Port Townsend, Washington.

67817-N

Sir: July 24, 1913

The Department has received your letter of June 7, last, transmitting the application of R. R. Pierson, Superintendent of the Alaska Steamship Company, for relief from a penalty of $500 alleged to have been incurred in the case of the steamer "ALAMEDA", for violation of section 4463 R. S., in that the licensed mates stood watches of more than eight consecutive hours.

It appears that this vessel carried three licensed mates and in addition two special pilots who had knowledge of the inside passage and were paid extra compensation because of this knowledge. Three of the mates stood watches of four hours on and eight hours off. The two special pilots stood special watch six hours on and six hours off or twelve hours per day following a custom long in vogue in the Alaska service. Taking the trip as a whole the average number of hours which each pilot stood watch was a little over nine hours per day and as they do not handle cargo they go below as soon as the vessel makes a landing. In this way it happens that nearly all of a single watch of six hours will be spent at the dock during which a pilot is not on duty although his hours of watch are running.

This vessel carried five mates and in the opinion of the Department, the vessel was fully manned as required by law. The circumstances of the case do not justify a penalty and the same is hereby remitted.

Respectfully,
(sg'd) E. F. SWEET
Acting Secretary.

Collector of Customs,
Seattle, Washington.
(Rubber stamp partly illegible)